

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

AMSOUTH BANK

PLAINTIFF

VS.

CIVIL ACTION NO. 3:06 cv 416 HTW-LRA

FRAZIER DEVELOPMENT, LLC;
C.E. FRAZIER, JR.; H. CLAIBORNE FRAZIER;
and AUSTIN W. FRAZIER

DEFENDANTS

AGREED FINAL JUDGMENT

This day there came on for consideration the Complaint filed by AmSouth Bank ("AmSouth") against Frazier Development, LLC; ("Frazier Development"); C.E. Frazier, Jr. ("C. Frazier"); H. Claiborne Frazier ("H. Frazier"); and Austin W. Frazier ("A. Frazier")(collectively, "Defendants") in the above-referenced civil action. The Court, being fully apprised in the premises and having considered the Arbitrator's Decision and Award appended hereto and fully incorporated herein and the stipulations of the parties set forth herein, finds that final judgment should be entered in favor of AmSouth and against the Defendants, jointly and severally. In accordance with Fed. R. Civ. Proc. 54(b), this Court finds that there is no just reason for delay of the entry of a final judgment herein, and therefore, the Court hereby directs the Clerk of the Court to enter this as a Final Judgment regarding the claims of AmSouth and against all Defendants.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Arbitrator's Decision and Award is approved and is incorporated herein by reference as fully as if it had rendered by this Court.

IT IS FURTHER ORDERED AND ADJUDGED that final judgment be and hereby is entered in favor of AmSouth and against Frazier Development, LLC, C.E. Frazier, Jr., H. Claiborne Frazier, and Austin W. Frazier, jointly and severally, in the following amount:

- a. Principal: \$2,915,286.43;
- b. Interest as of July 19, 2007: \$295,340.66 plus post-award interest per diem at \$647.80 through the date of this Agreed Final Judgment;
- c. Late charges: \$13,502.63;
- d. Appraisal: \$4,500.00;
- e. Arbitration filing fee: \$11,250.00;
- f. Arbitrator's fee: \$4,500.00; and
- g. Attorney's fees and expenses: \$ 84,554.05

TOTAL JUDGMENT AS OF JULY 19, 2007: \$3,328,933.77, together with post-award interest at the rate of \$647.80 per diem through the date of this Agreed Final Judgment and post-judgment interest at the federal legal rate until satisfied, for which let execution issue.

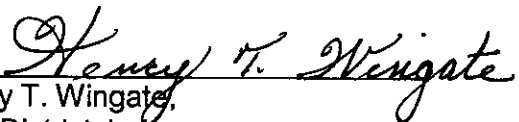
IT IS FURTHER ORDERED AND ADJUDGED as follows:

- a. If the amounts in the above subparagraphs a, c, d, e, f, and AmSouth's actual incurred attorney fees and expenses are satisfied in full before September 30, 2007, AmSouth will waive interest and any portion of the attorney fee and expense award that has not been incurred prior to the date the above amounts have been satisfied.

b. AmSouth will be free to execute on this Agreed Final Judgment immediately upon entry and the Defendants will take no action to oppose the enrollment of this Agreed Final Judgment in state court.

IT IS FURTHER ORDERED AND ADJUDGED that this Court retains jurisdiction to enforce the terms and conditions set forth above.

SO ORDERED AND ADJUDGED this 16th day of August, 2007.


Henry T. Wingate,
U.S. District Judge

Agreed to and Approved as to Form:

/s/Jeffrey R. Barber
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